

Notice of Allowability

Application No.

10/022,835

Examiner

Toan C To

Applicant(s)

BOLL ET AL.

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment After Final filed July 21, 2004.
2. ☒ The allowed claim(s) is/are 1,3-16 and 25-39.
3. ☒ The drawings filed on 20 December 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Toan To
Patent Examiner
August 1, 2004

DETAILED ACTION

Examiner's Comment

1. Claim 1 is generic and allowable. Accordingly, the restriction requirement as to the encompassed species is hereby withdrawn and claims 13-14 are directed to the non-elected species no longer withdrawn from consideration since all of the claims to this species depend from or otherwise include each of the limitations of an allowed generic claim. In view of the above noted withdrawal of the restriction requirement as to the linked species, applicant(s) are advised that if any claim(s) depending from or including all the limitations of the allowable generic linking claim(s) be presented in a continuation or divisional application, such claims may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Neblet, Mark on August 9, 2004.

The application has been amended as follows:

In claim 1, line 5, after "head", ---position-- was inserted.

In claim 6, line 4, after "head", ---position-- was inserted.

In claim 9, line 3, after "head", ---position-- was inserted.

In claim 11, lines 3 and 5, after "head", --position-- was inserted.

In claim 12, lines 3 and 5, after "head", ---position-- was inserted

In claim 13, line 4, after "head", ---position-- was inserted.

In claim 25, line 5, after "head", ---position-- was inserted.

In claim 31, line 4, after "head", ---position-- was inserted.

In claim 34, line 3, after "head", ---position-- was inserted.

In claim 36, lines 3 and 5, after "head", --position-- was inserted.

In claim 37, lines 3 and 5, after "head", --position-- was inserted

In claim 38, line 4, after "head", ---position-- was inserted.

Allowable Subject Matter

3. Claims 1, 3-16, and 25-39 are allowed.

4. The following is an examiner's statement of reasons for allowance:

With respect to independent claim 1, the prior art references either alone or in combination fail to disclose, teach or suggest an airbag system particularly comprising at least one inflatable air bag housed in a roof frame, wherein when the air bag is actuated, it unfolds in a direction of travel from a front of the car to a rear of the car such that, after the air bag unfolds, the air bag is located above a head position of a driver and/or a passenger, and an airbag control connected to a rollover sensor, wherein the airbag control actuated the airbag only when the passenger car rolls over.

With respect to independent claim 25, the prior art references either alone or in combination fail to disclose, teach or suggest an airbag system particularly comprising at least one inflatable air bag, wherein when the air bag is actuated, it unfolds in a direction of travel opposite a direction of travel of the car such that, after the air bag unfolds, the air bag is located above a head position of a driver and / or a passenger, and wherein the roof frame contains a receiving space which houses the air bag and is sealed by a cover, wherein the cover is mounted on a lower edge of the roof frame so as to pivot about a substantially horizontal swivel axis, running substantially at right angles to a longitudinal direction of the car.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

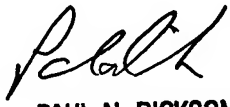
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan C To whose telephone number is (703) 306-5951. The examiner can normally be reached on Mon-Fri (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTo
August 1, 2004

 8/1/04
PAUL N. DICKSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600